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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/372,750	08/11/1999	KENNETH BROWN	3352-0102P	1821

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EXAMINER
ZURITA, JAMES H

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 01/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/372,750	Applicant(s) BROWN ET AL.	
	Examiner James Zurita	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 August 1999* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

The drawings are objected to because of the following informalities.

Fig. 2 may be interpreted in the following ways; each scenario finds support in the disclosures. In a first scenario, Fig. 2, all information from NAP module **216** must first go through Network Sales Server **220**, then through Order Processing Server, item **222**, then through Photo finishing lab, item **230**, prior to reaching a Third Party fulfillment house, item **240**. This scenario is shown in Fig. 2 as filed.

In a second scenario, information flows from the NAP module directly to each box. Thus, Fig. 2 would have (a) bi-directional arrows directly linking NAP module item **216** and the Order Processing Server, item **222**, (b) bi-directional arrows directly linking NAP module item **216** and the Photo Finishing Lab, item **230**, and (c) bi-directional arrows directly linking NAP module item **216** and Third Party fulfillment house, item **240**. This second scenario finds support on page 3, lines 24-31, where applicant appears to envision independent links.

For purposes of this examination, Examiner will review the application in the context of each of the above scenarios.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to for the following informalities.

Page 3, line 8, application **212** should be changed to application **214**.

Page 4, line 6, Figure **1** should be changed to Figure **2**.

Page 4, line 11-12, file system **219** should be changed to file system **212**.

Page 6, line 17 should be changed to "Finally, **- - in step 308, - -** the NAP module . . ."

Page 7, line 6 photofinishing lab **230** should be changed to photofinishing lab **240**.

For purposes of this examination, Examiner will apply the above corrections. Applicant is encouraged to review the application for similar errors. Correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Garfinkle et al. (U.S. Patent 6,017,157).

As per claims 1, 10, 19, Garfinkle et al. disclose the method, computer program and computer signal of controlling network access, comprising:

- receiving first digital image information from at least two of a plurality of different sources (Col. 5, lines 1-10, describes obtaining digital image through Adobe Photoshop, a well known application for editing images, including photograpnic images and text; Col. 3, lines 25-33, for a scanner, a digital device interface and application; Col. 3, line 64 – Col. 4, line 33; Col. 5, lines 63-67; Col. 6, lines 37-49, describing directories and file systems that may exist in various shell extensions and may hold JPEG and other type of digital images).
- receiving second digital image information from an external network entity (Col. 7, line 43 – Col. 8, line 67, describing second information, including pricing and merchandising; a server, Col. 2, lines 53-64; Col. 3, line 13; Col. 3, line 62 – Col. 4, line 10; a laboratory, Col. 2, line 53-64; Col. 3, lines 20-25; a possibly third-party fulfillment center Col. 3, lines 1-20; Col. 9, line 1 – Col. 10, line 27, Fig. 6).
- processing an order based on the first digital image information and the second digital image information (Col. 1, lines 7-14; Col. 1, lines 41-55; Col. 8, lines 20-37); and
- outputting the first digital image information and the order for the production of photographic products thereon (Col. 5, lines 11-29; Col. 7, lines 53-60; Col. 10, lines 9-27).

As per claims 2, 11 and 20, Garfinkle et al. disclose the method, computer program and computer signal of claims 1, 10 and 19, wherein the first digital image information is digital photographic image information (Col. 5, lines 1-10, describes obtaining digital image through Adobe Photoshop, a well known application for editing images, including photograpnic images and text; Col. 3, lines 25-33, for a scanner, a digital device interface and application; Col. 3, line 64 – Col. 4, line 33; Col. 5, lines 63-67; Col. 6, lines 37-49, describing directories and file systems that may exist in various shell extensions and may hold JPEG and other type of digital images).

As per claims 3, 12 and 21, Garfinkle et al. disclose the method, computer program and computer signal of claims 1, 10 and 19, wherein the at least two of a plurality of different sources include

- a photo editing application (Col. 5, lines 1-10, describing the use of Adobe Photoshop, a well known application for editing images, including photograpnic images and text; Col. 9, lines 49-54);
- a digital device interface application (Col. 3, lines 25-33), and
- a shell extension (Col. 3, line 64 – Col. 4, line 33; Col. 5, lines 63-67; Col. 6, lines 37-49; These sections describe the directories and file systems that may exist in various shell extensions and may hold JPEG and other type of digital images).

As per claims 4, 13 and 22, Garfinkle et al. disclose the method, computer program and computer signal of claims 1, 10 and 19, wherein the second digital image information includes pricing and merchandise availability (Col. 7, line 43 – Col. 8, line 67).

As per claims 5, 14 and 23, Garfinkle et al. disclose the method, computer program and computer signal of claims 1, 10 and 19, wherein the external network entity includes at least one of a server (Col. 2, lines 53-64; Col. 3, line 13; Col. 3, line 62 – Col. 4, line 10; a photofinishing lab (Col. 2, line 53-64; Col. 3, lines 20-25); and a, possibly third party, fulfillment house (Col. 3, lines 1-20; Col. 9, line 1 – Col. 10, line 27 and Fig. 6).

As per claims 6, 15 and 24, Garfinkle et al. disclose the method, computer program and computer signal of claims 1, 10 and 19, wherein the photographic products include photographs and merchandise with photographs imprinted thereon (Col. 5, lines 11-29; Col. 7, lines 53-60; Col. 10, lines 9-27).

As per claims 7, 16 and 25, Garfinkle et al. disclose the method, computer program and computer signal of claims 1, 10 and 19, further comprising: delaying the outputting of the first digital image information until the order is complete (Col. 5, lines 1-40 describing use of the Internet network and World Wide Web. The WWW is accessible via a network access protocol called Transmission Control Protocol/Internet Protocol, TCP/IP for short. TCP/IP is a stateless protocol, which means that orders may be delayed while information is being gathered on a client machine. Transfer of information does not take place until a user at a client computer station initiates the transfer. The output delay may be for periods of time, or until an order is complete and a user clicks on a final TRANSMIT or similar button of an HTML form (HyperText Markup Language which uses the HyperText Transfer Protocol to send information to a server computer).

As per claims 8, 17 and 26, Garfinkle et al. disclose the method, computer program and computer signal of claims 1, 10 and 19, further comprising a checking code segment for checking the first digital image information and the second digital image information for image quality (Col. 4, lines 27-30; Col. 7, lines 4-23; Col. 10, lines 9-27).

As per claims 9, 18, and 27, Garfinkle et al. disclose the method, computer program and computer signal of claims 1, 10 and 19 wherein the at least two of a plurality of different sources include

- a photo editing application (Col. 5, lines 1-10, describing the use of Adobe Photoshop, a well known application for editing images, including photograpnic images and text; Col. 9, lines 49-54);
- a digital device interface application (Col. 3, lines 25-33), and
- a shell extension (Col. 3, line 64 – Col. 4, line 33; Col. 5, lines 63-67; Col. 6, lines 37-49; These sections describe the directories and file systems that exist in various shell extensions).
- the external network entity (Col. 2, lines 53-64; Col. 3, line 13; Col. 3, line 62 – Col. 4, line 10 for a server; Col. 2, line 53-64; Col. 3, lines 20-25 for a laboratory; and Col. 3, lines 1-20, Col. 9, line 1 – Col. 10, line 27 and Fig. 6 for a fulfillment center, which may be a third-party).

As per claim 28 Garfinkle et al. disclose the method, computer 28. A network photo print system, comprising:

- a user station, capable of running a camera/scanner applications program for supplying first image data to the user station (Col. 3, lines 25-33, for a scanner, a digital device interface and application);
- a photo editing applications program for supplying second image data to the user station (Col. 5, lines 1-10, describes obtaining digital image through Adobe Photoshop, a well known application for editing images, including photograpnic images and text);
- an operating system, including an operating system desktop shell interface and an extension to the operating system desktop shell interface, the shell extension supplying third image data to the user station (Col. 3, line 64 – Col. 4, line 33; Col. 5, lines 63-67; Col. 6, lines 37-49, describing directories and file systems that may exist in various shell extensions and may hold JPEG and other type of digital images); and
- a network access protocol module capable of receiving any one of the first, second, and third image data, receiving order and merchandise availability information from an external network entity; processing an order based on any one of the first, second, and third image data, and outputting any one the first, second, and third image data (Col. 5, lines 1-40 describing use of the Internet network and World Wide Web. They are used to send and receive information to and from client machines and server machines. The WWW is accessible via a network access protocol called Transmission Control Protocol/Internet Protocol, TCP/IP for short. TCP/IP and WWW include a family of plug-in's, modules and

protocols such as File Transfer Protocol, Telnet. TCP/IP is a stateless protocol, which means that orders may be delayed while information is being gathered on a client machine. Transfer of information does not take place until a user at a client computer station initiates the transfer. The delay may be for periods of time, using JAVASCRIPT or its MICROSOFT equivalent, or until a user clicks on a button of an HyperText Markup Language/HTML form which uses the HyperText Transfer Protocol to send information to a server computer. The Internet may be accessed with plug-ins and software called browsers, including MICROSOFT EXPLORER and NETSCAPE NAVIGATOR and NETSCAPE COMMUNICATOR).

- a network sales/order processing server for receiving the order and any one the first, second, and third image data image data from the user station Col. 2, lines 53-64; Col. 3, line 13; Col. 3, line 62 – Col. 4, line 10; and
- a photofinishing lab for producing photographic-quality prints images based on the order and any one the first, second, and third image data from the network sales/order processing server (Col. 2, lines 53-64; Col. 3, lines 20-25).

As per claim 29, Garfinkle et al. disclose the network photo print system of claim 28, wherein said network access protocol module delays the outputting any one the first, second, and third image data to said network sales/order processing server until the order is complete (Col. 5, lines 1-40 describing use of the Internet network and World Wide Web. The WWW is accessible via a network access protocol called Transmission Control Protocol/Internet Protocol, TCP/IP for short. TCP/IP is a stateless

protocol, which means that orders may be delayed while information is being gathered on a client machine. Transfer of information does not take place until a user at a client computer station initiates the transfer. The delay may be for periods of time, using JAVASCRIPT or its MICROSOFT equivalent, or until a user clicks on a button of an HyperText Markup Language/HTML form which uses the HyperText Transfer Protocol to send information to a server computer).

As per claim 30 Garfinkle et al. disclose the network photo print system of claim 28, wherein the extension to the operating system desktop shell interface permits a user of the user station to initiate an order directly from a system file level of the operating system, without invoking an additional application program (Col. 3, line 64 – Col. 4, line 33; Col. 5, lines 63-67; Col. 6, lines 37-49; These sections describe the directories and file systems that may exist in various shell extensions and may hold JPEG and other type of digital images).

As per claim 31 Garfinkle et al. disclose the network photo print system of claim 28, wherein said network access protocol module is a plug-in module (Col. 5, lines 1-40 describing use of the Internet network and World Wide Web. The Internet is accessed with plug-in software called browsers, including MICROSOFT EXPLORER and NETSCAPE NAVIGATOR and NETSCAPE COMMUNICATOR. The WWW is accessible via a network access protocol called Transmission Control Protocol/Internet Protocol, TCP/IP for short. TCP/IP and WWW include a family of plug-in's, modules and protocols such as File Transfer Protocol, Telnet.)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8:30 am to 5:00 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-395-3900.

JZ **James Zurita**
Patent Examiner
Group Art Unit 2165
January 16, 2002

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